

Assembly Bill No. 876

Passed the Assembly June 3, 2015

Chief Clerk of the Assembly

Passed the Senate August 24, 2015

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 41821.4 to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 876, McCarty. Compostable organics.

The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program. Existing law requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan. On and after January 1, 2000, the element is required to provide for the diversion of 50% of the solid waste subject to the element, except as specified, through source reduction, recycling, and composting activities. Existing law requires each city, county, and regional agency to submit an annual report to the department summarizing its progress in reducing solid waste.

This bill would require, commencing August 1, 2017, a county or regional agency to include in its annual report to the department an estimate of the amount of organic waste in cubic yards that will be generated in the county or region over a 15-year period, an estimate of the additional organic waste recycling facility capacity in cubic yards that will be needed to process that amount of waste, and areas identified by the county or regional agency as locations for new or expanded organic waste recycling facilities capable of safely meeting that additional need, thereby imposing a state-mandated local program. The bill would also make legislative findings and declarations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) With the enactment of the California Integrated Waste Management Act of 1989 (Division 30 (commencing with Section 40000) of the Public Resources Code), the Legislature required the Department of Resources Recycling and Recovery and local agencies to promote recycling, anaerobic digestion, and composting over land disposal and transformation.

(b) Since the enactment of the act, local governments and private industries have worked jointly to create an extensive material collection infrastructure and have implemented effective programs to achieve a statewide diversion rate of greater than 50 percent.

(c) Although California now leads the nation in waste reduction and recycling, the state continues to dispose of more than 15 million tons of compostable organics each year in solid waste landfills.

(d) To reduce the landfilling of organics, increase composting and anaerobic digestion, and meet the state's organic diversion goals, cities and counties must plan for organics processing facilities that can process organics diverted from landfills and organics waste generators.

SEC. 2. Section 41821.4 is added to the Public Resources Code, to read:

41821.4. (a) Commencing August 1, 2017, a county or regional agency shall include, in the annual report required pursuant to Section 41821, the following information:

(1) An estimate of the amount of organic waste in cubic yards that will be generated in the county or region over a 15-year period.

(2) An estimate of the additional organic waste recycling facility capacity in cubic yards that will be needed to process the amount of organic waste identified pursuant to paragraph (1).

(3) Areas identified by the county or regional agency as locations for new or expanded organic waste recycling facilities capable of safely meeting the additional organic waste recycling facility capacity need identified pursuant to paragraph (2).

(b) To provide the information pursuant to subdivision (a), the county or regional agency may use existing data regarding its

diversion programs and is not required to perform additional waste characterization studies.

(c) For purposes of this section, “organic waste recycling facility” has the same meaning as defined in paragraph (2) of subdivision (d) of Section 42649.82.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2015

Governor